

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

**Claims 1, 3, 5, 7, 9, 11, 13, 15, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated over Bohan, US PGPub No.: US 20030214681 A1 (hereinafter Bohan).**

For Claim 9, Bohan teaches:

An image transmitting device comprising:

a scanner an image of a document; [Para. 0016]

a memory that stores scanned image data; [Figs. 2 & 3; Para. 0019]

a controller that connects to a communication medium; [Para. 0018]

an extracting unit that extracts various pieces of information other than

image data included in the stored image data; [Figs. 5A & 5B; Para. 0025, 0033, 0036]

(Bohan discloses how the facsimile control program can collect data from various sources

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to compose a facsimile document. This collection of data can be information other than that of the image data included in the stored image data.) and

a converter that converts the extracted various pieces of information into extracted image data and transmits the extracted image data along with the scanned image data as transmission image data . [Para. 0033] (Bohan gives a detailed example of the operation of the control program in manipulation facsimile data.)

Claim 11, The image transmitting device according to claim 9, wherein when transmitting a multiple page image all at once, data regarding a number of pages of the multiple page image is included in the extracted information. [Fig. 5B; Para. 0015, 0025 and 0035]

Claim 13, The image transmitting device according to claim 9, wherein the image is of a color original document.[Para. 0036] (Bohan discloses that the data can comprise one or more...documents and/or image documents. It is inherent that image documents can be of color. The term image defined is a representation of a person representation of a person, animal, or thing, photographed, painted, sculptured, or otherwise made visible.)

Claim 15,

The image transmitting device according to claim 9, wherein the image data includes a photographed time. [Fig. 5B; Para. 0025, 0033, 0036] (Bohan discloses how the facsimile control program can collect data from various sources to compose a facsimile document. The photographed time can be information of the said image data and therefore is able to be extracted and collected.)

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Claim 1,

The means for conducting the steps of claim 1 correspond to the system elements of claim 9, which would have necessitated the recited means. Thus, the means for conducting steps of claim 1 have been analyzed and rejected in view of claim 9.

Claim 3, The image transmitting device according to claim 1, wherein when transmitting a multiple page image all at once, data regarding a number of pages of the multiple page image is included in the extracted information. [see claim 11 rejection]

Claim 5, The image transmitting device according to claim 1, wherein the image is of a color original document; [see claim 13 rejection] and

Claim 7, The image transmitting device according to claim 1, wherein the image data includes a photographed time. [see claim 15 rejection]

Claims 17-20, The method steps of claims 17-20 correspond to the system elements of claims 9, 11, 13 and 15, which would have necessitated the recited method steps. Thus, the method claims have been analyzed and rejected in view of claims 9, 11, 13 and 15 above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 2, 4, 6, 8, 10, 12, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohan in view of Yoshida, US PGPub No.: US 20040075850 A1 (hereinafter Yoshida).**

For claim 10:

An image transmitting device comprising:

a scanner that scans an image of a document; [see claim 9 rejection]

a controller that connects to a communication line; [see claim 9 rejection]

Bohan does not teach: a memory that stores scanned sYCC-Joint Photographic Experts Group (JPEG) image data. However, Yoshida does. [Para. 0051 and 0055]; and

Bohan does not teach: a extracting unit that extracts various pieces of information other than image data included in the stored sYCC-JPEG color image data. However, Yoshida does [Para. 0070-0071]; and

Bohan does not teach: a converter that converts the extracted various pieces of information into extracted image data and transmits the extracted image data along with the scanned SYCC-JPEG image data as transmission image data. However, Yoshida does [Para. Fig. 7, Para. 0070-0071].

Therefore, the combined teaching of Bohan and Yoshida as a whole, would have made it well known and obvious to utilize a facsimile apparatus with the capabilities of scanning, extracting and converting information from a sYCC-Joint Photographic Experts Group (JPEG) image data as claimed for the benefit as stated in Yoshida [Para. 0007].

For claim 12:

The image transmitting device according to claim 10, wherein when transmitting a multiple page image all at once, data regarding a number of pages of the multiple page image is included in the extracted information. [see claim 11 rejection.] (Using the disclosed information of Bohan and Yoshida, claim 12 with regard to sYCC-JPEG image data is rejected.)

Claim 14, The image transmitting device according to claim 10, wherein the image is of a color original document. [see claim 13 rejection.] (Using the disclosed information of Bohan and Yoshida, claim 14 with regard to sYCC-JPEG image data is rejected.)

Claim 16, The image transmitting device according to claim 10, wherein the image data includes a photographed time. [see claim 15 rejection.] (Using the disclosed information of Bohan and Yoshida, claim 16 with regard to sYCC-JPEG image data is rejected.)

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For claim 2,

The means for conducting the steps of claim 2 correspond to the system elements of claim 10, which would have necessitated the recited means. Thus, the means for conducting steps of claim 2 have been analyzed and rejected in view of claim 10.

Claim 4, The image transmitting device according to claim 2, wherein when transmitting a multiple page image all at once, data regarding a number of pages of the multiple page image is included in the extracted information. [see claim 12 rejection]

Claim 6, The image transmitting device according to claim 2, wherein the image is of a color original document. [see claim 14 rejection]

Claim 8, The image transmitting device according to claim 2, wherein the image data includes a photographed time. [see claim 16 rejection]

### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elbert Tsang whose telephone number is (571) 270-3748. The examiner can normally be reached on 8:00 AM - 5:00 PM, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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